

APR 22 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RANDY COY HENDERSON,

Plaintiff - Appellant,

v.

CANDY ZRELIAK, Court Reporter; et al.,

Defendants - Appellees.

No. 07-35818

D.C. No. CV-06-05510-FDB

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Franklin D. Burgess, District Judge, Presiding

Submitted April 15, 2008^{**}

Before: B. FLETCHER, FISHER and PAEZ, Circuit Judges.

A review of the record and the responses to the court's order to show cause why the district court's judgment should not be summarily affirmed shows that the

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The district court properly dismissed plaintiff's civil rights action filed September 5, 2006 as time barred and not equitably tolled. *See Joshua v. Newell*, 871 F.2d 884, 886 (9th Cir. 1989); *see also Helgeson v. City of Marysville*, 881 P.2d 1042 (1994). Plaintiff filed the complaint after expiration of the three year statute of limitations even though the claims were known to him by at least August 11, 2000. In addition, the district court properly dismissed plaintiff's state law claims as time barred. *See Yousoufian v. Office of Ron Sims*, 98 P.3d 463, 471 (2004).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

AFFIRMED.